

# **Town of Eastham**

## **BY-LAWS, RULES & REGULATIONS**

Governing  
Construction, Zoning, Signs,  
Subdivision, Plumbing Regulations,  
Sewage Disposal  
and the Submission of Cases  
to the Appeal Board,



**1972**

**Eastham**

**Massachusetts**

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By-Law regulating the construction, reconstruction and location of buildings within the Town of Eastham. As accepted at the Annual Town Meeting February 16, 1948 and amended to date.

## SECTION I

### Article I. DEFINITION

In this by-law the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

#### A. Building Lines:

The exterior walls of a building at or above the ground, including bay windows, porches, piazzas, raised terraces, sun decks and similar projections whether roofed or uncovered. Uncovered steps and projecting eaves shall not be construed as being within this definition.

#### B. Lot Lines:

The lines defining or limiting leaseholds or ownership of land.

#### C. Reconstructed or Reconstruction:

The removal of any building to a new foundation, or the renewal of any structure damaged by fire or other casualty as follows:

- (1) Wood frame buildings, damage to the frame.
- (2) Masonry buildings, damage to the walls or roof.
- (3) In all cases, damage to the foundation or interior supports.

The Building Inspector shall be the authority to determine whether any building has suffered damage in the manner described.

#### D. Altered or Alteration:

(1) The rebuilding or change in a structure to provide for a complete or partial change in the use to which it may be put.

(2) The rebuilding or change of any nature in structures of every kind in which the value of such rebuilding or change is in excess of five hundred dollars and which is not in the nature of ordinary repair or maintenance.

**E. Additions:**

The addition to a structure by which its floor area is increased or the relationship of the building and lot lines are changed.

**F. First-Class Construction:**

Walls of fireproof construction, and floors (except finished floors), roofs, and partitions entirely of incombustible materials with no exposed structural steel.

**G. Second-Class Construction:**

Exterior walls of incombustible material, not less than eight inches thick, and roof covered with incombustible material.

**H. Third-Class Construction:**

All other kinds of construction not First or Second Class.

**Article 2. APPOINTMENT of BUILDING INSPECTOR**

The Board of Selectmen annually in March shall appoint an Inspector of Buildings to hold office for the term of one year from the first of April following and until his successor is appointed and qualified.

The person appointed and qualified to act as Inspector of Buildings shall receive such salary or compensation as shall be fixed by the Board of Selectmen, within the appropriation for the Inspector of Buildings, and no other fee or compensation shall be allowed or paid to him. He shall be under the supervision of the Board of Selectmen, and shall be subject to such rules and regulations as that Board may prescribe. He shall submit annual reports of the work of his office for publication in the Town Report.

The Inspector of Buildings shall make inspection of all building operations within this Town, and he may, for this purpose, enter upon the premises where such operations are carried on at all reasonable times and shall report to the Board of Selectmen all violations of this by-law or of the conditions of any permit issued.

**Article 3. PERMIT REQUIRED**

Except as otherwise expressly provided herein, or by statute, or by Town By-laws, no building or structure shall be erected, altered (as defined in Article 1, Paragraph D. - (1) and (2)), reconstructed or added to without a permit from the Building Inspector first having been obtained for such erection, alteration, reconstruction or addition. For the erection of buildings for mercantile, business or industrial purposes or for dwelling purposes to accommodate more than two family units, plans and specifications, together with such structural details as may be required, shall be submitted to the Inspector of Buildings for his approval, and as a condition for the issuance of a permit. The Building Inspector shall withhold a permit if the proposed work is in violation of law or of this or any other by-law of the Town; otherwise he shall grant the permit.

**Article 4. NO PERMIT REQUIRED**

No permit shall be required for repairs occasioned by ordinary wear and deterioration.

The provision of this by-law shall not apply to buildings or structures erected or owned by the United States or the Commonwealth of Massachusetts, or to bridges, quays and Wharves.

**Article 5. APPLICATION for PERMIT**

1. Application for permit to erect, construct, reconstruct, alter or add to a structure shall be on forms provided. Applicants shall be required to give such information regarding the proposed work as the Board of Selectmen shall prescribe in addition to the following requirements:

Applicant shall provide a suitably scaled plot plan showing the following:

Streets or ways on which the lot fronts. Location of sufficient permanent concrete bounds to clearly define the lot limits on the streets or ways.

Location of the building lines of the proposed structure or structures relative to all lot boundary lines.

Proposed location of all wells and all sewage disposal facilities.

2. Any building or premises to be occupied, either partially or in its entirety for whatever purpose, shall require a certificate of occupancy to be issued by the Building Inspector, stating that such building or buildings or premises is in compliance with the Town by-laws. Such certificates of occupancy shall be filed with the Town Clerk and kept a permanent part of the record. This requirement shall apply to any change, alteration or extension of an existing use of land or buildings for which a building permit is henceforth issued. The certificate of occupancy shall be applied for at the same time as the building permit is requested. Such certificates shall be issued only upon the completion and compliance of the by-laws.

#### Article 6. FEE

The fee to be paid with each application for a permit shall be computed at the rate of fifty cents for each five hundred dollars of cost of the work for which application is made, but the minimum fee shall be one dollar. The value of the building shall be computed at the rate of \$12.00 per square foot in area of the first floor, and at the rate of \$6.00 per square foot for each additional floor designed for living purposes. Garages, breezeways and other buildings in connection with residential use not for habitation shall also be computed at \$6.00 per square foot.

#### Article 7. NOTICE of PERMIT

Public notice of a permit granted shall be made by posting in a conspicuous place on the premises of a suitable placard, giving the name of the owner, the signature of the Board of Selectmen, and such other information as the Board of Selectmen may deem proper. Work must commence within a 60 day period of the date of issuance of the Building Permit and the exterior of any building shall be completed within a year of that date. Failure to do so will void the permit and work shall not be resumed until a new permit has been issued.

#### Article 8. APPROVAL by DEPARTMENT of PUBLIC SAFETY

The Inspector of Buildings shall grant no permit for the erection, reconstruction, or alteration of a building or structure designed or proposed to be used in whole or in part as a public building as defined in Chapter 143, Section 1 of the General Laws, or as a factory, workshop, mercantile or other establishment, and to have accommodations or use for ten or more employees, or for a structure more than two stories high designed to be used above the second story as an office building, dormitory, hotel, family hotel apartment house, boarding house, lodging house, or tenement house, and having eight or more rooms above said second story, until the owner or his agent has been granted a certificate of approval by the Supervisor of Plans of the Department of Public Safety in accordance with the requirements of Chapter 143, of the General Laws.

The granting of such certificate of approval shall not relieve the owner of the proposed structure from all other applicable parts of this by-law.

#### Article 9. APPEAL

Any person aggrieved by the refusal of the Inspector of Buildings to grant a permit may, within seven days after such refusal, appeal to the Board of Selectmen, who, after a hearing, with seven days notice of the same having been given by advertising in a newspaper of local circulation, may affirm, modify or reverse the decision of the Inspector and may issue the permit or direct it to be issued by the Inspector in accordance with their decision.

#### Article 10. LINES and GRADES of PUBLIC WAY

No person shall erect any foundation, building or wall or make any alterations in the external way of any structure, any part of which is to be placed within 10 feet of a public way or place dedicated to the public use before making application to the Board of Selectmen for the location of the lines and grades of such public way or place dedicated to public use.

#### Article 11. BUILDING LINES

The building lines of structures for human habitation shall not be nearer to the nearest boundary of any way than 30 feet, nor nearer to the interior side and rear lot lines than 25 feet; and if on land of single ownership, they shall not be nearer to each other than 50 feet. The building lines of detached structures which are necessary to wood framed structures for human habitation shall not be nearer to side and rear lot lines than 12 feet, nor nearer to the nearest boundary of any way than 30 feet.

The building lines of all other types of building or structures of third class construction, shall not be nearer to side and rear lot lines than 12 feet.

If the Board of Selectmen find that adjacent buildings for a reasonable distance on either side of the property on which the applicant proposes to build conform to some substantially common front line, the Selectmen may require the applicant also to conform thereto, regardless of the class of construction and use of the proposed structure.

#### Article 12. CHIMNEYS

All chimneys shall consist of masonry construction from the ground. Brick and precast cement block chimneys shall have Fire Clay flue linings continuous from bottom to top in all flues and any type of manufactured precast chimney approved by the National Board of Fire Underwriters and not in conflict with the State Fire Marshal's Office shall likewise be permissible, except that structures solely for commercial or industrial purposes may have approved steel stacks or masonry chimneys with fire brick lining.

No smoke pipe or metal flue shall pass through any wooden partitions without a safety thimble to extend the full width of partition, the smoke pipe or flue to be at least four inches from woodwork.

#### Article 13. FIRE PREVENTION

Buildings of second or third class construction erected as blocks and subdivided for store or similar purposes; partitions or walls in the first story separating one

store or similar portion from another shall be constructed either of fireproof material or of wood studs nogged the full height and thickness of the partition with fireproof material and dividing walls in the basement shall be entirely of fireproof material. All openings in such walls or partitions in both the basement and first story shall be glazed with wire glass in metal frames or have self-closing fireproof doors in metal frames.

#### Motels.

Fire partitions shall be installed as described herein:

- (a) In one story motels, fire partitions shall be installed between each five (5) units.
- (b) In two story motels, fire partitions shall be installed between each two (2) units per floor.
- (c) Fire partitions shall consist of 8" masonry block or brick, covered on both sides with plaster or gypsum board; or fire partitions may be constructed of gypsum block (such as "Pyrobar" as manufactured by U. S. Gypsum Company) and nogging full height in wood stud partitions with plaster or gypsum board applied on both sides of the partition.
- (d) Attic spaces shall be cut off to prevent the spread of fire by extending the fire partitions from the ceiling line of the top story to the underside of the roof decking. These attic fire partitions may be a single wall of either 5/8" gypsum board or 5/8" plywood.
- (e) In basement or crawl spaces fire partitions shall be installed in locations as specified in paragraphs (a) and (b) above. Fire partitions shall be of the same construction as specified in paragraph (c) above.

#### Article 14. SPECIAL HAZARDS

Buildings or structures of any kind, which by reason of material intended to be stored therein or processes to be carried on, present in the opinion of the Building Inspector possibilities of special hazards of fire or explosion or of noxious fumes, shall be subject to whatever degree of isolation, setback, adjacent protective provisions, material and manner of construction that the Selectmen by and with the advice of the Chief of the Fire Department may require.

Article 15. MINIMUM REQUIREMENTS  
for DWELLINGS

All structures erected for dwelling purposes or intended to be so used shall conform to and include the following minimum requirements:

A. Foundations

Excavations:

1. All excavations shall extend to stabilized ground.
2. All excavations shall extend to at least eighteen (18) inches below the finished grade.

Footings:

1. All footings must be constructed of concrete.
2. Footings must be installed under all concrete block walls and under all poured concrete walls less than ten (10) inches thick. Minimum size of footings shall be six (6) inches thick under one story buildings and eight (8) inches thick under all buildings over one story, with a minimum projection of four (4) inches on either side of wall in all cases.
3. Footings under all solid masonry or concrete filled steel columns shall be a minimum of eight (8) inches thick by a minimum dimension of twenty (20) inches whether square or circular.
4. Footings under all chimneys shall be at least twelve (12) inches thick and shall extend at least eight (8) inches in all directions from the outside of the chimney base.

Foundations:

1. Foundations shall be of continuous masonry construction extending at least 18 inches below the finished grade with interior supports of masonry, concrete or concrete filled steel columns.

B. Floors:

Floors shall be constructed to support a live load of not less than 40 lbs. per sq. ft.

C. Roof:

Roofs shall be constructed to carry a live load of not less than 30 lbs. per sq. ft.

D. Framing:

All other framing in size and area shall be adequate to receive, transmit or support the dead load and prescribed live load. All sills shall be securely anchored to foundation.

1. First floor girders must rest on solid masonry or concrete filled steel columns.

2. Floor joists shall be doubled under all partitions running parallel to the floor joists.

3. All floor joist headers over four (4) feet long shall be doubled.

4. All floor joists on which headers bear shall be doubled.

5. Floor joists shall be cross bridged when span exceeds eight (8) feet. Bridging shall be located in the center of the span. At least one by three or stronger stock shall be used. Metal bridging or solid blocking may be substituted for stock specified.

6. Exterior wall studs and bearing partition studs shall be at least two by four stock spaced not over sixteen (16) inches on center. Two by four shoes and double two by four, or equivalent, plates shall be used for all exterior walls and bearing partitions.

7. All openings in exterior walls and bearing partitions shall have headers sized in accordance with the following table:

Up to 4 feet long—4" nominal depth by full thickness of wall.

4'-0" to 5'-6" long—6" nominal depth by full thickness of wall.

5'-6" to 7'-0" long—8" nominal depth by full thickness of wall.

Over 7'-0" long—10" nominal depth by full thickness of wall.

8. Tie, and/or brace, all gable ends on structures.

E. Bathroom:

There shall be a bathroom having therein a water closet and lavatory, and all toilet rooms and bathrooms shall have outside windows or other approved means of ventilation.

**TABLE I**  
Maximum clear spans for wood girders:

size in inches	one story dwellings		one and a half story dwellings	
4 x 6	5	0	4	0
6 x 6	6	0	5	2
4 x 8	6	4	5	6
4 x 10	8	0	7	0
6 x 8	8	0	7	0
6 x 10	9	0	8	0

**TABLE II**  
Maximum clear spans for floor joists assumed live load of 40 lbs. per sq. ft.; dead load 10 lbs. Spacing of joists is 16" center to center.

size inches	No. 1 framing		No. 3 framing	
	ft.	in.	ft.	in.
2 x 4				
2 x 6	9	1	8	6
2 x 8	12	1	11	4
2 x 10	15	3	14	4
3 x 10	17	8	16	9
2 x 12	18	5	17	3

**TABLE III**  
Maximum clear spans for ceiling joists, live load none; dead load 10 lbs. per sq. ft. Spacing of joists is 16" center to center.

size in inches	ft.	in.
2 x 4	10	0
2 x 6	15	4
2 x 8	20	2

Note - - Where the attic space above the ceiling joists is unfinished but is usable for storage space, or if the space is suitable for finishing into future habitable rooms, the span for the ceiling joists shall be figured the same as for the floor joists.

**TABLE IV**  
Maximum clear spans of rafters for wood or asphalt shingle roofs.

Par. 1. Clear span shall mean the distance measured

horizontally from the inside of the plate to a point directly beneath the ridge; the actual rafter length will depend on the roof slope and must be determined accordingly.

Par. 2. This table is for roofs with a minimum pitch of 5" to 12"; for roofs with less pitch, the rafters shall be figured as floor joists.

Rafter Spacing Center to center	Rafter Size in inches & Clear Span					
	2x4		2x6		2x8	
	Ft.	In.	Ft.	In.	Ft.	In.
24 inches	6	6	10	3	13	8
20 inches	7	3	11	4	15	2
16 inches	8	1	12	6	16	7

**TABLE V**  
Subflooring and Sheathing

Subflooring: Not less than 1" nominal boarding or  $\frac{5}{8}$ " thick Plywood.

Sidewalling: Not less than 1" nominal boarding or  $\frac{1}{2}$ " thick Plywood.

Roof Sheathing: 24" rafter spacing - Not less than 1" nominal boarding or  $\frac{5}{8}$ " thick Plywood, 20" or less rafter spacing - Not less than 1" nominal boarding or  $\frac{1}{2}$ " thick Plywood.

TABLES I, II, III and IV are based on a minimum fiber stress of 1200 lbs.

Nothing in the foregoing table shall be construed as to prevent other methods or types of dwelling construction, provided, however, that such other methods or types of dwelling construction shall be submitted for the approval of the Building Inspector in such form as he may require and approved by him.

G. The walls and ceilings of all basement garages shall be on fire resistant material and attached garages must be separated by fire resistant walls and (or) ceilings. The words "fire resistant" shall imply wall and (or) ceiling construction having a minimum resistance to fire of one hour, as determined by the National Board of Fire Underwriters or other recognized authority.



**Article 17. DWELLINGS LESS THAN  
500 SQUARE FEET**

Two or more structures erected for dwelling purposes each having less than 500 sq. ft. of area at the first floor level exclusive of porches and similar open spaces and being on land of single ownership, shall be subject to all the provisions of that section of this by-law governing Tourist Camps not withstanding that it may not be the intention of the owner or lessee to offer said structures for transient occupancy by the day or week.

**Article 18. COMMERCIAL STRUCTURES**

Structures solely for commercial use shall, as a minimum requirement, meet all requirements for this Code as specified for dwellings where such requirements are applicable. No commercial enterprise shall be conducted from any structure other than one equal to the above requirement.

**SECTION II  
TOURIST CAMPS**

**Article 1. DEFINITIONS**

In this by-law the terms "overnight cabin" and "tourist camp" shall have the following meanings:

**A. Overnight Cabins:**

Any structure, whether described under the name or otherwise constructed for dwelling purposes and offered to the transient public for occupancy by the day or week.

**B. Tourist Camp:**

A group composed of two or more overnight cabins, guest cottages or structures going by any similar name erected on land of single ownership.

**Article 7. LOCATION of BUILDINGS**

Overnight cabins and accessory buildings shall not be erected or placed closer than 25 ft. of each other.

**Article 8. MINIMUM ACCOMMODATIONS**

No overnight cabin shall be erected having a floor area, exclusive of open porches, of less than 150 sq. ft.

Whoever violates any of the provisions of this ordinance shall be punished by a fine not exceeding One Hundred Dollars for each offense.

**Article 3. PENALTY**

This by-law shall take effect upon its approval by the Attorney General and publication according to law.

**Article 2. BY-LAW EFFECTIVE**

**SECTION III**

**Article 1. INVALIDITY**

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

## ZONING BY-LAWS

as adopted at the  
Annual Town Meeting  
February 18, 1952  
and amended to date

Definitions: For the purpose of this By-Law certain words and phrases are defined as follows:

(a) One family dwelling: a structure containing not less than 500 square feet of floor area on at least one floor, exclusive of porches, sun decks, patios, raised terraces or similar items, and containing a kitchen; a bathroom containing a toilet, a lavatory, a tub and/or shower; a living room and a bedroom or any reasonably similar combination of rooms.

(b) Duplex dwellings: a structure containing not less than 1,000 square feet of floor area under a common or connected series of roofs and containing in each dwelling all the requirements for a one family dwelling.

(c) Rental units: Cottage: a structure containing not less than 500 square feet of floor area on at least one floor, exclusive of porches, sun decks, patios, raised terraces or similar items and containing at least one bedroom, a living room, a kitchen, a bath or toilet room or any reasonably similar combination of rooms.

Cabin: a structure containing not less than 150 square feet of floor area, nor more than 499 square feet, exclusive of porches, sun decks, patios, raised terraces or similar items, and containing sleeping, living and toilet facilities but not including any kitchen or cooking facilities.

### SECTION I

The purpose of this By-Law is to promote the health, safety and general welfare of the inhabitants of the Town of Eastham, by dividing the Town into districts with a view towards conserving the best qualities of the Town as they now exist.

### SECTION II

DISTRICTS: In accordance with Chapter 40, General Laws, Section 25-30B, and any amendments thereto:

The Town of Eastham is hereby divided into districts as follows:

- (a) Residential and Agricultural, District A.
- (b) Residential and General Farming, District B.
- (c) Commercial, Districts C and D.
- (d) Permissive Use.
- (e) Seashore District

Description of "Permissive Use" area:

"On the Westerly side of Route 6 - From the Northerly Boundary of the Evergreen Cemetery so-called, to the Southerly Boundary of Commercial District D, and then from the Northerly Boundary of said Commercial District D to the Eastham-Wellfleet Town Line, to a depth of 500 feet from the Westerly sideline of the highway taking.

On the Easterly side of Route 6: - From the intersection of the Easterly sideline of Route Six and the right-of-way of what is now or formerly known as the Old Colony Railroad to the Southerly Boundary of Commercial District D to the Eastham-Wellfleet Town line, extending in depth from the easterly sideline of the highway taking to the westerly sideline of the right-of-way of what is now or formerly known as the "Old Colony Railroad."

### SECTION III

In District A, premises and (or) buildings may be used for the following purposes only:

1. One family dwellings, and duplex dwellings, not to exceed two stories in height, adapted to human habitation. (Use of the following structures or units for human habitation is prohibited except upon issuance of a temporary permit by the Building Inspector under conditions hereafter specified: Tents, House Trailers, Campers, Quonset Huts, Portable or Semi-portable buildings, or similar structures whether equipped with wheels or not. Houseboats or equivalents on fresh water.)

Temporary Permit: The Building Inspector may issue a permit for temporary use of any of the prohibited items for use during the period of construction of a dwelling

or cottage. This permit shall not be valid for over six months and shall not be renewable. All applicable regulations as to setback from lot lines must be complied within location of any of these items. Sanitary facilities must receive approval from the Board of Health. All such items must be located on the lot on which construction is being done and must be removed prior to the granting of a Certificate of Occupancy for the permanent structure.

2. Renting of Cottages.

3. Accessory Buildings and shelters for the uses of the resident occupants of such dwellings for garaging their own motor vehicles, stock and equipment, and only so long as not injurious, noxious or offensive to the neighborhood.

4. Churches, schools, municipal buildings, and all properties, building and structures of the municipal state, and federal governments.

5. Private Clubs; except a club, the chief activity of which is a service customarily carried on as a business.

6. Municipal recreation use.

7. Customary home occupations such as dressmaking, baking, preserving of foods, hand laundering and handicrafts; renting of rooms with or without board; practice of any profession or trade. All such undertakings to be conducted by a resident occupant.

8. Any incidental activity related to his trade conducted by a resident craftsman or mechanic provided such activity does not involve substantially continuous operations or employment of non-resident personnel and is not injurious, noxious or offensive to the neighborhood.

9. Agricultural farming, gardening, nursery or greenhouse business and sale of produce or fish grown or processed by the resident occupants only and only so long as it is not injurious, noxious or offensive to the neighborhood.

11. Refreshment booths or stores purveying food, non-alcoholic beverages and beach supplies, if adjacent to any Town Landing, upon issuance of a permit by the Board of Selectmen and a building permit from the Building Inspector.

12. The keeping of livestock and poultry is restricted

to non-commercial family use of the resident occupant only and only so long as it is not injurious, noxious or offensive to the neighborhood.

13. Funeral Homes.

14. Hospitals, Sanitariums and Rest Homes.

15. Boys' and Girls' Camps.

16. The storage of campers or trailers may be allowed on resident occupant's property upon permit from the Selectmen.

#### SECTION IV

In District B premises and (or) buildings may be used for the following purposes only:

1. Any use designated or authorized in and for District A.

2. General farming and poultry raising with the exception of piggeries and the raising of mink and (or) fox and only so long as it is not injurious, noxious or offensive to the neighborhood.

3. Laboratory for research on molds, fish, birds and wildlife, and other similar scientific research, and all necessary activities relating thereto, so long as not injurious, noxious or offensive to the neighborhood.

4. Docks, wharves, fish and shellfish business, party boat business, renting of row boats, motor boats, sail boats, and fishing gear, and sale of fish bait, also boat storage, boat repairs, boat building, marine railway, and activities reasonably necessary and related thereto.

5. Cabin Rentals.

6. Public amusement area upon permit by the Board of Appeals upon an appeal to such Board, but only so conducted and managed in a manner not injurious, noxious or offensive to the neighborhood.

7. Cottage rental units on a single parcel of land, provided that the land allocable to the first building, whether dwelling or rental, shall contain an area of not less than 20,000 sq. ft. The land allocable to subsequent rental units shall contain an area of not less than 10,000 sq. ft. per unit. Cottage rental units hereunder shall remain as a single unit and may be sold

only as such. Scaled site plans of cottage rental units shall be filed with the Building Inspector prior to issue of a building permit showing service drives and allocating 100 ft. frontage to the land for each rental unit, except that no cottage rental unit shall be erected upon any existing lot as shown on any subdivision or recorded plan that has been combined with any other such lot for the purpose of creating one lot for subdivision into cottage rental units under the provisions of this section.

#### SECTION V

Districts C and D: In Districts C and D premises and (or) buildings may be used for the following purposes only.

1. Any use designated or authorized in and for Districts A and B.

2. Stores, restaurants, filling stations, garages, repair shops, paint shops, antique businesses, furniture shops, manufacturing of house framing, cabinets, furniture, and like products, and motels, subject to specifications regulating their use as set forth in SECTION V-A, as amended.

3. Buildings, structures, and premises may be used for any of the above lawful businesses and services, except junkyards, and in addition, for public utilities and for any industry or manufacturing if authorized by the Board of Appeals subject to appropriate conditions and safeguards.

4. In Districts C and D business buildings shall have minimum set-back of 100 feet from all streets and highways. The side and rear lot lines of all commercial buildings, regardless of class of structure, shall not be less than 12 feet from such lines.

5. Structures for non-residential use shall not contain over three stories above mean grade level nor shall they exceed thirty feet in height measured from the mean grade level to the highest point of the structure exclusive of chimneys, airshafts, ventilators, vents or similar items which may be of the height required for proper operation or use.

#### SECTION V-A

1. The following uses are allowed in the "Permissive Use" area, provided said use or uses are not injurious, noxious or offensive to the neighborhood, and only if

authorized by the Board of Appeals.

(a) Hotels, Motels or Inns.

A parking space of 125 square feet per rental unit, plus one additional parking space of 125 square feet for each ten rental units or fraction thereof, shall be required for motels.

The entire structures and buildings shall not cover more than 20% of the land area used for motels.

Definition of MOTEL or HOTEL STRUCTURES: a structure containing not over 4000 square feet on one floor, exclusive of porches, sun decks, patios, raised terraces or similar items, divided into units containing living, sleeping and toilet facilities only. No individual kitchen or cooking facilities in units shall be permitted. Structures shall be one story in height except where the terrain will allow the rear wall to be two stories in height. Rear wall is defined as the wall farthest from the road or roads off which the structure is located and parallel to said road or roads.

When more than one motel or hotel structure is erected on one lot each structure shall be not less than fifty feet from any other structure on the lot. No structure shall be erected nearer than fifty feet from the lot side-lines nor nearer than twenty-five feet from the lot rear line.

(b) Gift or Craft Shops.

(c) Bank and Professional Buildings.

2. A minimum 100 ft. set-back from the sidelines of the street or highway in the "Permissive Use" area is required for all uses specified in paragraph 1 of this section.

#### SECTION V-B

The Seashore District is intended to further preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the town; and to conserve

natural conditions, wildlife and open spaces for the education, recreation and general welfare of the public.  
**Permitted Uses.**

1. Conservation of land, water, wildlife, vegetation, and other natural features and values.
2. Facilities deemed by the Secretary of the Interior to be necessary for the administration and public use and enjoyment of the Cape Cod National Seashore or deemed to be necessary by the Town of Eastham.
3. Recreation, including but not limited to, hunting, fishing, swimming and boating.
4. Gardening and traditional agricultural uses of cleared land, but excluding such objectionable uses as a piggery or the commercial raising of livestock, fur-bearing animals and poultry, or other uses injurious, noxious or offensive to the neighborhood.
5. Traditional commercial fishing activities, the opening of shellfish, and storage and use of fishing equipment.
6. Uses of existing dwellings as residences and accessory uses customarily incidental to the principal residential use on the same premises, provided such uses are not detrimental to a residential neighborhood and do not alter the essential character of the dwelling as a residence. Residential uses of dwellings may include the renting of rooms and furnishing of board by residents of the premises to overnight guests, if such uses do not alter the essential character of the dwellings as residences.
7. Customary of self home occupations as defined in Section III, paragraph 7, of the Town of Eastham By-Laws, Rules and Regulations, but this shall not include the use of accessory structures as stores or for the display of goods to the passing public.
8. Moving, alteration, enlargement, maintenance, or repairs of existing one-family residential dwellings or the erection of customary structures which will be accessory to the existing principal residential use provided that such improvements to existing dwellings and the

erection of accessory structures will afford not less than a fifty foot set back from all streets measured at a right angle with the line of the streets and a twenty five foot distance from abutter's property lines, and further do not alter the essential character of the dwelling as a residence. In appropriate cases, the Board of Appeals may approve lesser set back or side yard requirements for improvements to existing dwellings or for the erection of accessory structures, provided they do not alter the residential character of the premises.

9. Religious and educational use.

10. Municipal use and public utilities.

11. Detached one-family dwellings and accessory structures, provided that no lot may be used for their construction which has a frontage of less than 150 feet, and an area of less than 3 acres, and no dwelling or building may be located in such manner as to provide less than a 50-foot setback from all streets measured at a right angle with the street line and a 25-foot distance from abutters' property lines.

Except as provided above there shall be in the Seashore District:

1. No burning of cover unless determined by the Fire Chief to be necessary for the welfare and safety of the town and such burning shall be in accordance with the requirements of Section 13, Chapter 48 of the General Laws.

2. No filling of land, dumping, or removal of soil, loam, sand, or gravel in excess of 5 cubic yards.

3. No cutting of timber except: (a) by an owner for the purpose of reasonably controlling brush or trees; (b) maintenance cutting in pastures; and (c)

cutting for clearance or maintenance on rights-of-ways including those pertaining to public utilities or public highways.

4. No building or structures.

5. No commercial or industrial venture or activities.

6. No drainage, damming or relocation of any water course except by a publicly authorized agency for the purpose of pest control.

7. No continuous storage of materials or equipment.

Applicants for variances or exceptions shall be promptly notified by the Board of Appeals that the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire, by condemnation, property which is made the subject of a variance or exception that, in his opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. The Secretary of Interior shall be given notice by the Board of Appeals, of all applications or petitions made for variances or exceptions to the bylaws for the Seashore District and he shall be provided notice by the Building Inspector of all applications for building permits involving the Seashore District within seven (7) days of receipt of the applications or petitions. The Secretary may be consulted at any time by zoning authorities or by the owner of "improved property" regarding the effect of a proposed variance or exception upon the status of the affected property with regard to the suspension of the Secretary's authority to condemn. The Secretary, within 60 days of the receipt of a request for such determination, or as soon thereafter as is reasonably possible, shall advise the owner or zoning authorities whether or not the intended use will subject the property to acquisition by condemnation. Subsequently, to meet the requirements of the Act of Congress of August 7, 1961, the Secretary shall be given notice by the appropriate board of any

variance, or exception, or building permit, granted or denied for the area within the Seashore District.

Approved by the Secretary of the Interior subject to an amendment to Article VIII which will specify a fifty foot (50) setback.

#### SECTION VI

Lot Size: In Districts A, B, C, D, and Permissive Use no single family dwelling shall be built on a lot with an area of less than 20,000 square feet (or as specified in Section IV, Paragraph 7) nor any duplex dwelling on a lot with an area of less than 30,000 square feet.

In Districts C and D no business structure shall be built on a lot with an area of less than 20,000 square feet.

In the Permissive Use District no business structure shall be built on a lot with an area of less than 20,000 square feet.

In the Seashore District the lot sizes and frontages shall be as specified in Section V-B, Article 11.

All building lots shall contain a rectangular area measuring at least 135 feet wide by 40 feet deep. This rectangular area shall be located on the lot so that the long dimension shall be parallel to a way where the lot frontage on the way is a straight line. Where the lot frontage on the way consists of a curved line this rectangular area shall be located on the lot so that the long dimension is normal (i.e. at a right angle) to a radial line passing through the center of the arc comprising the curved frontage of the lot. Setback from the way of these rectangular areas on all lots shall be at least the minimum distance required by the Eastham Building Code as specified in Article 11.

These rectangular area requirements shall not apply to lots established prior to the adoption of this amendment provided such lots met all requirements of the Zoning Code in force at the time of adoption of this amendment. Furthermore these requirements shall not apply to lots in single ownership at the time of adoption of the Zoning By-law by the Town of Eastham at the Annual Town Meeting held on February 16, 1952 provided these lots are identified by deeds of record in the Barnstable County Registry of Deeds and that any structures to be

placed on such lots can comply with all requirements of the Town Building Code By-laws accepted at the Annual Town Meeting, February 16, 1948, and approved by the Attorney-General, April 30, 1948, or any amendments thereto, and to the Plumbing Regulations as established by the Board of Health, August 15, 1966, or any amendments thereto, and to the Regulations for Disposal of Sewage as adopted by the Board of Health, April 18, 1955, or any amendments thereto.

#### SECTION VII

Non-conforming uses: Any non-conforming building, structure or use existing on the effective date of this By-Law (July 1, 1952) may be continued, or rebuilt if damaged or destroyed. Discontinuance of a non-conforming use for a period of one year shall make this permission invalid. No non-conforming use shall be changed. "Non-Conforming dwellings and structures not used for any business or commercial use, other than rental as dwellings, may be enlarged without the granting of an appeal by the Board of Appeals provided that the enlargement complies with all applicable requirements of the Building, Sanitary and Plumbing Codes and the Zoning By-laws in effect at the time of application for the permit to enlarge. Upon the granting of an appeal by the Board of Appeals non-conforming buildings and structures used for any business or commercial use may be enlarged, if no more objectionable to the neighborhood than the said existing use."

#### SECTION VIII

##### 1. ADMINISTRATION.

(a) **BOARD of APPEALS.** There shall be a Board of Appeals consisting of five members, and two associates, all to be appointed by the Board of Selectmen, with the powers as provided in General Laws, Chapter 40, Section 30, which shall act on all matters within its jurisdiction under this By-Law in the manner prescribed in said Chapter of the General Laws.

(b) This By-Law shall be enforced by the Building Inspector. The Building Inspector may resort to the Courts for injunctions or other appropriate remedies.

(c) **PENALTIES.** The penalty for violation of any provision hereof shall be a fine of not more than \$20 for each offence. Each violation and each day of violation shall constitute a separate offence, punishable by fine as aforesaid.

#### SECTION IX

1. **VALIDITY:** The invalidity of any sentence, provision, or section of this By-Law shall not be construed to invalidate any other part hereof.

2. **AMENDMENTS:** This By-Law may be altered, repealed, or amended in accordance with the law.

Accepted at Annual Town Meeting Feb. 18, 1952. Approved by Attorney General July 1, 1952.

Amendments approved by Attorney General June 10, 1953, March 16, 1954, Feb. 24, 1958, March 9, 1959.

June 7, 1960, March 9, 1961, June 6, 1963.

April 2, — June 9, 1964, March 5, 1965.  
June 30, 1966.

## SIGN CODE

as adopted at the

Special Town Meeting

May 11, 1966

### SIGN CODE DEFINITIONS

Approved by the Attorney-General June 30, 1966

(a) Temporary Signs: All signs such as "For Rent", "For Sale", signs advertising public events and contractor's and builder's signs, used during the process of remodeling or construction, shall be classified as temporary signs.

(b) Permanent Signs: Permanent signs shall mean all advertising devices or insignia, whether lettered or not, designed to promote a business, the sale of a product or a service. Signs must be supported by a frame or post erected for that purpose and must not be fastened to trees or other natural features. Name signs identifying the resident occupant of residential property shall be exempt from registration, fees and support requirements, but shall comply with size regulations for the Zoning District in which the sign is located.

(c) Display of Goods: Display of goods for sale shall not constitute a sign provided that the quantity displayed shall not be considered injurious, obnoxious or offensive to the neighborhood, and that no structure be erected for the purposes of display that would create the equivalent of a sign.

(d) Directional and Identificational signs, single or double faced, not exceeding two (2) square feet on one side, shall be permitted in all Districts of the Zoning By-law without registration. Such signs shall be for the purpose of providing information and shall not promote the sale or use of a product. The Building Inspector may direct the location and quantity of these signs using the guidelines of public safety and preservation of the neighborhood.

### GENERAL

(a) Temporary Signs: Temporary Signs shall conform

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to all requirements of the Sign Code for the District in which the sign is displayed. Signs advertising coming public events, whether on public or private land, shall not be displayed earlier than 14 days prior to the event and shall be removed within 24 hours after the event has occurred, except this time period for removal may be extended to 48 hours if the day following an event is a Sunday or a Holiday.

(b) Political Signs: Political signs or posters shall not be erected on public property. All such signs shall conform to the code for the Zoning District in which the sign is erected, and all signs shall be removed within seven days after the event for which they were erected. Failure to remove such signs will be a violation of this ordinance for which the property owner on whose property the sign is erected will be liable. If the property owner is non-resident at the time for removal of said signs, an additional period of 14 days shall be granted, after mailing of a written notice of the violation to the last known address for compliance with this regulation.

(c) Exceptions: Nothing in this code shall modify or in any way control the existing rights of the Secretary of the Interior to erect signs on Federally owned property as specified in Section V. The right of the Town and the State to erect signs on public property for traffic control, identification of areas, posting of regulations, and similar notice and/or signs shall not be affected by this Code provided that all signs erected by the Town shall comply with the requirements of the Zoning District in which the sign is erected.

### SECTION I

1. Permit required: In District A, B, C, D and Permissive Use District no permanent sign or signs, as defined above shall be erected on public or privately owned land prior to the granting of a permit for the erection of said sign or signs by the Building Inspector.

2. Application for permit: Application for a permit for erection of a permanent sign or signs shall be accompanied by a sketch and/or photograph, showing the design and size, type of lettering, colors and illumination, and a plot plan showing all roads, ways, driveways, parking areas, buildings, etc. of the site where the sign

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or signs shall be erected. Locations for the sign or signs shall be indicated on the plot plan. The fee for this permit shall be \$2.00 per sign.

3. Approval of permit: Upon receipt of an application for the erection of a sign the Building Inspector shall submit the application to the Architectural Advisory Committee for their recommendations. He shall submit their recommendations to the Board of Selectmen and upon receipt of their approval and recommendations, may then issue a permit for the erection of the sign or signs in accordance with their instructions. The permit number shall be lettered in a lower corner of each sign in such manner as to be legible from the ground level. Application for a permit for erection of a sign must be acted upon within thirty days from receipt of the application.

## SECTION II

### Sign Regulations — Zoning District A

1. Permanent Signs: The display of not more than two double faced signs shall be permitted. Signs shall pertain to the resident occupant's business or profession or to the use of the property as authorized under Section III of the Zoning Code and must be erected on the resident occupant's property. Signs shall not have a total area of over twenty-four square feet counting both sides of all signs. No single sign shall have a total area of over twelve square feet per side. Said signs shall not be illuminated by means of flashing lights nor by lighting in such a manner as to create a traffic hazard.

2. Temporary Signs: Temporary signs may be erected or removed at the pleasure of the owner of the property on which the sign or signs are erected within the requirements of the definition of "temporary signs".

3. Street Signs: Street name signs for private ways shall be of the type used by the Town of Eastham, or of equivalent legibility and appearance and shall be erected at least two (2) feet from the outer edge of the street shoulder. Ladder type signs at street intersections listing names of residents of the street may be erected provided a permit is granted by the Building Inspector under procedures of Section I. Such signs must be sup-

ported by a frame or post erected for that purpose and must not be fastened to trees or other natural features. Regardless of number of names on the sign, the sign shall be considered as one sign for purposes of fees. "Ladder" type signs shall comply with the size regulations for the Zoning District in which the sign or signs are erected.

## SECTION III

### District B

1. Permanent Signs: The display of not more than two double faced signs shall be permitted. Signs shall pertain to the resident occupant's business or profession or to the use of the property as authorized under Section III of the Zoning Code and must be erected on the resident occupant's property. Signs shall not have a total area of over twenty-four feet counting both sides of all signs. No single sign shall have a total area of over twelve square feet per side. Said signs shall not be illuminated by means of flashing lights nor by lighting in such a manner as to create a traffic hazard.

2. Temporary Signs: Temporary signs may be erected or removed at the pleasure of the owner of the property on which the sign or signs are erected within the requirements of the definition of "temporary signs".

3. Street Signs: Street name signs for private ways shall be of the type used by the Town of Eastham, or of equivalent legibility and appearance, and shall be erected at least two (2) feet from the outer edge of the street shoulder. Ladder type signs at street intersections listing names of residents of the street may be erected provided a permit is granted by the Building Inspector under procedures of Section I. Such signs must be supported by a frame or post erected for that purpose and must not be fastened to trees or other natural features. Regardless of number of names on the sign, the sign shall be considered as one sign for purpose of fees. "Ladder" type signs shall comply with the size regulations for the Zoning District in which the sign or signs are erected.

## SECTION IV

### Permissive Use Areas

Signs for other than the permitted uses in this area must comply with the regulations for the Zoning Dis-

trict in which the Permissive Use area is located except that the regulations for signs for cottage or cabin colonies or tourist courts, where permitted, may be the same as those permitted for Hotels or Motels in this District. Signs for the permitted uses in this area shall comply with all regulations for Zoning Districts C and D.

### SECTION V

#### Sign Regulations — Seashore District

The display of not more than one single-faced or one double-faced sign on property of a residential occupant which shall pertain to the occupancy, sale or rental of such property as herein authorized and such sign shall not exceed two square feet in area and shall not be of a type or style employing or using neon, fluorescent, or other direct illumination; provided that the above limitation shall not apply to facilities deemed by the Secretary of the Interior to be necessary on Federally owned property for administration and public use and enjoyment of the Cape Cod National Seashore or to facilities of the Town of Eastham on Town owned land.

### SECTION VI

#### Districts C and D

1. Permanent Signs: The display of not more than two free-standing signs, provided they are at least 300 feet apart and one sign on the building shall be permitted. On premises where multiple businesses are conducted one sign may be allowed on the building or buildings for each separate business conducted therein.

On building or buildings: All signs to be single faced with a total area not in excess of ten (10) square feet when a sign or signs as specified under "Freestanding" is on the property. If no free-standing sign, or signs, or only one free-standing sign with a total area not in excess of ten (10) square feet on one side, is on the property the signs on the building shall be single-faced with a total area not in excess of thirty (30) square feet.

A free-standing sign shall not have a dimension of over ten feet in a vertical or horizontal direction. Location of free-standing signs with respect to setback for

roads or ways, lot boundaries and/or buildings shall be as required by the Board of Selectmen who may consider public safety, adjoining business, other signs in the area, conformation with existing practices or the effect on the neighborhood in making their determinations. Illuminated signs shall not have glare distracting to drivers nor shall there be any exposed neon or gas filled signs or illumination that will conflict with the ability to readily see traffic lights or cause any hazardous condition therefrom and there shall be no flashing, rotating or oscillating supplementary lighting. There shall be no display of temporary advertising devices such as streamers, posters, pennants and such similar promotional sales devices. Gasoline stations and garages shall be allowed the standard permanent oil company signs in addition to the name signs plus the customary lubrication, washing and service signs displayed in the position to which they apply.

#### Sign areas permitted:

Free-standing:—One sign on property—thirty sq. ft. on one side for a total sign area of sixty sq. ft.

Two signs on property—Twenty sq. ft. on one side of each sign for a total sign area of forty sq. ft. per sign.

2. Illumination of business structures and/or areas shall not be of such intensities as to be injurious, obnoxious or offensive to the neighborhood, nor shall it constitute a traffic hazard.

### SECTION VII

#### Registration of Existing Signs

All permanent signs in existence at the effective date of this amendment shall be registered with the Building Inspector in the manner provided in "Application for permit" within 12 months of the effective date. The Building Inspector shall issue a permit for such signs without consulting the Architectural Advisory Committee or the Board of Selectmen when such signs fully comply with the requirements of the Zoning District in which the sign is erected. Existing businesses made non-conforming by the adoption of the Zoning By-law, or by subsequent revision of the Zoning By-law, shall be

entitled to all signs permitted to conforming businesses. The Building Inspector shall issue permits for such signs in the same manner as for signs for conforming businesses.

### SECTION VIII

#### Non-conforming Signs

All non-conforming signs shall be discontinued within two years of the effective date of this amendment unless a special permit has been previously granted by the Board of Appeals.

### SECTION IX

#### Administration

(a) Appeal: An applicant shall have the right of appeal to the Board of Appeals for a variance from any section of this code and also from the refusal by the Building Inspector to issue a permit for the erection of a sign or signs.

The Board of Appeals may consider in their deliberations as a basis for granting of waivers favorable recommendations from the Architectural Advisory Committee, the Planning Board and the Building Inspector.

(b) Enforcement: This Sign Code By-Law shall be enforced by the Building Inspector. The Building Inspector may resort to Courts for injunctions or other appropriate remedies.

(c) Penalty: Any permanent sign erected without the issuance of a permit for this sign and any failure to comply with the requirements of Sign Permit Registration and non-conforming Sections of this Code shall constitute a violation of this Code. Penalty for such violation shall be a fine of not more than \$20.00 for each violation. Each violation and each day of violation shall constitute a separate offense, punishable by fine as aforesaid.

### SECTION X

1. Validity: The invalidity of any sentence, provision or section of this By-Law shall not be construed to invalidate any other part hereof.

2. Amendments: This By-Law may be altered, repealed, or amended in accordance with the law.

## SUBDIVISION REGULATIONS

### SECTION I. Authority

Under the authority vested in the Planning Board of the Town of Eastham by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of the land in the Town of Eastham. Such rules and regulations shall be effective on and after the 1st day of April, 1954.

### SECTION II. General

#### A. Definitions

"Subdivision" shall mean the division of a tract of land into two or more lots in such manner as to require provision for one or more ways, not in existence when the subdivision control law became effective in the Town of Eastham, to furnish access for vehicular traffic to one or more of such lots, and shall include re-subdivision.

"Board" shall mean the Planning Board of the Town of Eastham.

#### B. Plan Believed Not to Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds or to be filed with the Land Court a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval.

If the Board determines that the plan does not require approval, it shall without a public hearing and within 14 days of submission endorse on the plan the words "Planning Board Approval under Subdivision Control Law not required." Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

If the Board determines that the Plan does require approval under the Subdivision Control Law, it shall within 14 days of submission of said plan so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.

An examination fee of ten (10) dollars shall be required for each subdivision of "Approval not required" plans.

#### C. Subdivisions

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within this Town, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definitive Plan of such subdivision, has been submitted to and approved by the Planning Board as hereinafter provided.

#### D. Road Standards

##### (a) Existing unimproved private way.

An existing unimproved private way shall be a way established prior to the adoption of this amendment that is not cleared, graded, drained, hardened or surfaced. Before the Board of Selectmen shall act on a petition for the acceptance by the Town of such a way, the petitioners shall have prepared by a registered engineer or a registered land surveyor, a clear and legibly drawn plan, to a suitable scale, in black India ink on tracing cloth. This plan shall contain the following information:

Location of road in respect to all adjacent or intersecting roads, public and private.

Layout of road showing all necessary dimensions to reproduce the road on the ground.

Drainage facilities and/or drainage easements.

Names and addresses of all abutters.

The petitioners shall install sufficient permanent concrete bounds to define the road. The petitioners shall also be required to post a performance bond with the Town of Eastham assuring that if the road should be accepted by the voters of the Town of Eastham all the requirements specified by the design standards would be met. All costs of preparing plans, procurement of bonds and construction of road or way to meet the design standards shall be borne by the petitioners.

Design standards shall be those shown under Subdivision Regulations, Section IV, Design Standards.

##### (b) Existing improved private way.

An existing improved private way shall be a way established prior to the adoption of this amendment that has been constructed in accordance with Town of Eastham standards existing at the time of construction including clearing, grading, hardening, black topping and drainage. The Board of Selectmen may act on petition for the acceptance of such a way without requiring any or all of the requirements listed in paragraph (a) if the petition is approved by the Planning Board and the Highway Surveyor.

(c) Upon approval by the Board of Selectmen of a petition for Town acceptance of a private way under the conditions stated in either (a) or (b) the Selectmen shall submit an article to the next annual Town Meeting to the voters of the Town for their action on the petition.

(d) The Board of Selectmen may waive any requirements of the Design Standards listed in paragraph (a) or any deviation from Town Standards listed in paragraph (b) that, in their opinion, would not be detrimental to the Town of Eastham. If any such waiver will result in an expenditure of public monies to accomplish the requirements waived, the Board of Selectmen must present this cost to the Town Meeting acting on the petition for acceptance of the private way.

### SECTION III. Procedure for the Submission and Approval of plans

#### A. Preliminary Plan

##### 1. General

A Preliminary Plan of a subdivision may be submitted by the subdivider for the discussion and tentative approval by the Board.

The submission of such Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of properties abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case.

##### 2. Contents

The Preliminary Plan may be drawn on tracing paper

with pencil at suitable scale and two prints shall be filed at the office of the Board. Said Preliminary Plan should show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Such information will include major site features such as existing stone walls, fences, buildings, large trees, rock ridges, and outcroppings, swamps and water bodies and existing topography as required, together with the information required for the Definitive Plan (Section III-B-2 items "a" to "d" inclusive.) During discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section III-B-2 Contents) will be developed.

### 3. Tentative Approval.

The Planning Board may give such Preliminary Plan its tentative approval, with or without modification. Such tentative approval does not constitute approval of a subdivision, but does facilitate the procedure in securing final approval of the Definitive Plan.

## B. Definitive Plan

### 1. General

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

(a) An original drawing of the Definitive Plan and two contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.

(b) A properly executed Application Form (to be secured from Town Clerk.)

(c) A minimum fee of twenty-five (25) dollars plus an additional fee of five (5) dollars per lot for each lot over five shall be required for each application for approval of a subdivision.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed Application Form.

### 2. Contents.

The Definitive Plan shall be prepared by an engineer or surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth. The plan shall be

at a scale of one inch equals forty feet or such other scale as the Board may accept, to show details clearly and adequately. Sheet size shall preferably not exceed 24" by 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information.

(a) Subdivision name, boundaries, north point, date and scale.

(b) Name and address of record owner, subdivider and engineer or surveyor.

(c) Names and addresses of all abutters as they appear in the most recent tax list.

(d) The applicant shall furnish the Board with a separate plan showing profiles of the proposed ways or streets. This plan shall be in such form as to provide full information satisfactory to the Board but need not be in the same form as the Definitive plan.

(e) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. All bearings to be referred to Massachusetts prime meridian, when applicable, or to that of adjacent defined streets.

(f) Location of all permanent monuments properly identified as to whether existing or proposed.

(g) Location, names and present widths of streets bounding, or approaching or within reasonable proximity of the subdivision.

(h) Suitable space to record the action of the Board and the signatures of the members of the Board (or officially authorized person).

(i) Existing and proposed topography at a suitable contour interval as required by the Board.

(j) All surveys to be made with accuracy resulting in a minimum error of closure 1 to 10,000.

### 3. Review by Board of Health as to suitability of the Land.

The Planning Board shall within ten days after submission of a plan to it consult with the Board of Health. If the Board of Health is in doubt as to whether any of the land in the subdivision can be used as building sites without injury to the public health, it

shall so notify the Planning Board in writing within thirty days. Any approval of the plan by the Planning Board shall then only be given on condition that the lots of land as to which such doubt exists shall not be built upon without the prior consent of the Board of Health, and shall endorse on the plan such conditions, specifying the lots of land to which said condition applies.

#### 4. Public Hearing:

Before approval, modification and approval, or disapproval of the Definitive Plan is given, a public hearing shall be held by the Planning Board. Notice of the time and place of such hearing and of the subject matter, sufficient for identification, shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the town once in each of two successive weeks, the first publication being not less than fourteen days before the day of such hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.

#### 5. Certificate of Approval.

The action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by delivery or registered mail to the applicant. If the Board modifies or disapproves such plan it shall state in its vote the reasons for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of the majority of the Board (or by the signature of the person officially authorized by the Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with four (4) prints thereof. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

#### SECTION IV. Design Standards

- (a) The Board shall require a minimum lot area of

20,000 square feet and minimum frontages as follows:

Straight line on way—135 feet on way.

Curved line on way—135 feet at building line 30 feet from way. The building line to be indicated on plan for all lots where applicable.

(b) The minimum width of street right-of-ways shall be 40 ft.

(c) Property lines at street intersection shall be rounded to provide for a curb radius of not less than 20 feet.

(d) Dead end streets shall be provided at the closed end with a turnaround having a property line diameter of at least 90 ft.

When ways requiring turnarounds may be extended in future subdivision the Board may require only an area equal to the above requirement to be shown and marked "Reserved for turning". Upon extension of the way through this turning area the portions not included in the way shall revert to their respective lots.

(e) All streets in the subdivision shall be continuous wherever practicable.

(f) Provisions satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property not yet subdivided.

(g) Grades of all streets shall be the reasonable minimum but shall not be more than 10 percent except for short distances.

(h) A sufficient number of permanent monuments of reinforced concrete or stone shall be required to readily reproduce the subdivision on the ground. These monuments shall be at least 5" by 5" in cross-section and 32" in length.

(i) On land of single ownership where the intent is to subdivide into no more than two lots of legal area and a way is required for one lot, this way may be exempt from any or all of the requirements of the design standards. The requirement for lot frontage on the lot served by this way may also be waived. It shall be at the discretion of the Board to grant these waivers and to set requirements for the way. Any such way established shall not be used to provide access to any lot other than the lot established by the approval of this

way. There shall be no further subdivision of the lot serviced by the way established. Any way established under this provision of waiver of design standards shall not be subject to acceptance by the Town as a public way.

(j) Prior to the issuance by the Building Inspector of a building permit for any structure in any subdivisions approved subsequent to the adoption of this By-Law, streets servicing the lot or lots for which the permit is desired must meet the following specifications:

1. All trees, brush, stumps, roots, etc must be removed for a minimum width of thirty (30) feet.
2. Street must be graded in accordance with (g).
3. Street to be hardened with a good grade of hardening to a depth of six (6) inches for the full width of thirty (30) feet.

4. Black-topping shall be applied for a minimum width of twenty-two (22) feet with four (4) foot hardened shoulders on each side in any of the following methods:

A mix-in-place three (3) inches thick, using one and one-half gallons of oil per square yard, and rolled. A type "I" hot mix surface two (2) inches thick and rolled.

Other types of roads surfaces of equal or better grade may be approved upon application to the Board.

(k) To insure compliance with all applicable requirements of these Design Standards all plans shall have the following note lettered adjacent to record of Board approval as a condition of approval:

"Lots may be conveyed but no building permits will be issued by the Town of Eastham until all applicable requirements of Section IV, Design Standards, of the Subdivision Regulations have been met.

and further

before approval of a Definitive Plan of a subdivision the Board may require that a bond be filed by the subdivider, in an amount determined by the Board to be sufficient to cover the cost of the improvements specified above, and approved as to form and sureties by the Town Treasurer, conditioned on the satisfactory

completion of such improvements within such period of time, if any, as the Board may specify in the bond.

A total or partial release from such bond may be obtained when the required improvements are complete, in whole or in part, as set forth in the bond

In the event that the developer fails to perform satisfactorily the requirements set forth in the bond within the specified period of time, if any, the then outstanding principal amount (penal sum) of the bond shall be payable to the Town as provided by law, to the extent of the reasonable cost to the Town of the completion of the improvements required under the bond. In such case the approval by the Planning Board of the Definitive plan of the subdivision may be rescinded.

(l) All lots established under the provisions of the subdivision Code must be of sufficient depth to permit the erection of a building thereon.

This requirement shall not apply to a lot that, after approval of the subdivision plan, will be conveyed to the owner of an adjoining lot and thence becoming an integral part of said adjoining lot. This intention of conveyance shall be noted on the Definitive plan.

## SECTION V. Administration

### A. Variation

Strict compliance with the requirements of these rules and regulations may be waived when in the judgment of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

### B. Reference

For matters not covered by these rules and regulations, reference is made to Section 81K to 18-GG, inclusive, of Chapter 41 of the General Laws.

RULES AND REGULATIONS OF THE EASTHAM  
ZONING BOARD OF APPEALS.

1. Meetings and hearings of the Board will be held on Wednesday evenings at the call of the Chairman.

2. The Board shall consist of five (5) regular members from whose number a Chairman shall be elected by majority vote to serve for the period of one year, said election to take place not later than thirty (30) days after the date of the annual town meeting. There shall be two (2) associate members of the Board who will whenever practical, meet with the regular Board members at all hearings and special meetings, and one or both of whom may be appointed by the Chairman to serve in the absence of regular members. The associate members in attendance at any hearing shall sit with the regular members, but the vote of only the five (5) members assigned by the Chairman to hear a particular case will affect that case, although the other votes will be recorded.

3. In the event of the inability of the Chairman to meet with the Board at any particular hearing, or special meeting, he shall appoint from the remaining regular members an Acting Chairman to serve in his stead, who shall then exercise all the powers of the Chairman.

4. A stenographer, who shall be the Clerk of the Board, and may also be a regular or an associate member, shall be in attendance at all hearings held by the Board, and at such special meetings as the Chairman may deem necessary.

5. As prescribed by Section 19 of Chapter 40A of the General Laws (terc. ed.) and all amendments thereto, the concurring vote of all members of a Board of Appeals consisting of not more than four (4) members, and the concurring vote of all except one member of a board consisting of more than four (4) members shall be necessary to reverse any order or decision of any administrative official under this chapter, or to decide in favor of the applicant on any matter upon which it is required to pass under any Zoning ordinance or by-law, or to effect any variance in the application of any such ordinance or by-law.

6. All hearings of the Board shall be open to the public.

7. The Board shall hold its hearings on Wednesday evenings, beginning at 7:30 P.M., within forty-five (45) days of the receipt by the Chairman of the Board, of a properly completed and approved petition, made out in quadruplicate and accompanied by required survey plans, and by architectural plans and specifications where called for, together with the proper application fee.

8. Public notice of all hearings shall be given in an official publication or newspaper of general circulation within the County of Barnstable once in each of two successive weeks, the first publication to be not less than fourteen (14) days prior to the date set therefore by the Chairman. Special notice by certified mail, postage prepaid, at least fourteen (14) days prior to any hearing shall be given to all persons deemed by the Board to be especially affected thereby, and, in addition notice by regular mail shall be given to the Board of Selectmen, Town Clerk, Planning Board and the Building Inspector.

9. The petitioner shall, at the discretion of the Board, submit satisfactory indicia of ownership, occupancy, or special interest in the land to which a decision of the Board would apply.

10. In any particular case, the Board shall cause to be made a detailed record of its proceedings and official actions, the original copy of which shall be filed at the official of the Town Clerk to become a public record, and notices of the Board's decision, signed by the Clerk of the Board, shall be mailed forthwith to parties of interest.

11. The Board shall take a view of sites and buildings involved in cases which are to come before it whenever and wherever it is deemed necessary.

12. The Board shall require the submission of properly scaled and engineered plans prepared in the offices of registered civil engineers, land surveyors, and architects or their equivalent. These plans shall be no smaller in size than 8½" by 11" and no smaller in scale than



one inch equals fifty feet. Where new construction is involved the Board shall require a plot plan of the property showing property lines and street lines, area, all existing buildings and appurtenances and their sizes, the outline and size of proposed new construction, and the distance relationships between the buildings themselves and between the buildings and the street and property lines. Where commercial construction is involved the Board shall require proper architectural drawings showing a plan view and the front, side, and rear elevations together with the specifications to be used for said construction. These architectural plan requirements may be modified in part or waived altogether by the Board in the case of alterations and/or additions to existing residential buildings.

13. The appellant in any appeal case shall submit an approved application form made out in quadruplicate, with each sheet to be filled out completely, and the same signed and mailed or presented in person to the Chairman of the Board. The proper forms will be found at the Town Hall.

14. In exercising its powers under paragraph three, section 15, Chapter 40A of the General Laws, the Board may, impose limitations both of time and use, with respect to a particular parcel of land, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter. In cases dealing with building addition, alteration or new construction, affirmative decisions of the Board may contain the following:—"Any building addition, alteration, or new construction allowed under this variance, or Permissive use or non-conforming use must commence within one (1) year of the effective date of this grant.

15. A filing fee of \$25.00, payable to the "Town of Eastham", must accompany each application for a hearing before the Board of Appeals.

16. The Board shall make such other rules and regulations from time to time, as it shall deem necessary and proper for the carrying out of its functions under the Zoning By-Laws which shall be on file with the Town Clerk.

## **PLUMBING REGULATIONS**

as established by

**THE BOARD OF HEALTH**

effective August 15, 1966

**DISPOSAL OF SEWAGE**

as adopted by the

**BOARD OF HEALTH**

April 18, 1955 and amended to date

### **Section I**

On and after August 15, 1966 the Massachusetts State Plumbing Code established under Chapter 358, Acts of 1965 and adopted by the Town of Eastham at a Special Town Meeting held on May 11, 1966 will be in effect.

### **Section II**

#### **A. Permit required**

1. Prior to the commencement of work a permit shall be obtained from the Plumbing Inspector for any plumbing, supply or waste, other than minor repairs to existing plumbing.

(Office hours for the Plumbing Inspector will be 9:00 to 10:00 AM Monday, Wednesday and Friday, except on legal holidays.)

#### **B. Application for permit:**

Application for permits shall be on forms provided. Applicants shall be required to furnish such information regarding the proposed work as the Board of Health may prescribe in addition to any requirements specified under Section I of these regulations.

#### **C. Fee**

The fee to be paid with each application for a permit shall be computed at the rate of one dollar per fixture for the first five fixtures and at the rate of fifty cents per fixture for all over five fixtures, but the minimum fee to be charged shall be two dollars.

**D. Inspection:**

The Plumbing Inspector, or his assistants, shall make all applicable inspections and tests required by the Massachusetts State Plumbing Code and shall notify the Building Inspector when the installation has been approved. The Building Inspector shall not issue a Certificate of Occupancy for any structure until this notification of approval for the structure has been received from the Plumbing Inspector.

Notification:- Two (2) working days notice is required for inspection.

**E. Qualifications for Applicants:**

1. All holders of Massachusetts Journeyman's or Master Plumber's Licenses shall be eligible to obtain plumbing permits.

**DISPOSAL of SEWAGE**

**SECTION I**

Every place of human habitation shall have available a sanitary method for the disposal of all human excreta which shall meet with the approval of this Board of Health, its agents or inspectors.

**SECTION II**

Wherever a water carriage system is available, final disposal of these waters shall be made by means of one

or other of the following methods:

(a) Connection with a public sewerage system where such system is available and connection with the same is required by a regulation of this Board. (General Laws, Chapter 83, Section 11).

(b) A cesspool constructed in such a manner as hereinafter provided.

(c) A septic tank constructed in such a manner as hereinafter provided.

(d) Such other method as shall be approved by this Board.

**SECTION III**

All cesspools hereafter constructed shall be of approved material and unless otherwise specified by the Board of Health shall be located not less than twenty (20) feet from any dwelling, not less than ten (10) feet from the line of any street, court or passageway, not less than ten (10) feet from the line of adjoining lot, all measurements being taken from the nearest outer circumference. Cesspools shall not be less than six (6) feet in depth measuring from the lower rim of the inlet pipe, not less than six feet in diameter (inside measurements at the point of drawing in) and shall be provided with an iron or tight cover and rim laid in cement.

**SECTION IV**

All septic tanks hereafter installed shall be of approved construction, and shall have a minimum capacity of 500 gallons. The effluent of such septic tanks shall be disposed of by means of: (a) A cesspool properly constructed; or (b) A subsoil drainage system laid out in a manner which shall meet the approval of this board.

**SECTION V**

In the absence of a water carriage system disposal of human excreta shall be by means of a sanitary privy. All privies shall be of approved material and shall be so constructed as to prevent the access of flies to excreta or the deposit of the same on the surface of the ground. Unless otherwise specified by the Board of Health such privy shall be located not less than twenty (20) feet from the nearest dwelling, not less than twenty (20) feet from line of adjoining lot and not less than twenty (20) feet from any street, court or passageway,

all measurements being taken from nearest outer point of the privy building. No permanent privy shall hereafter be constructed or maintained on premises which are provided with a water supply.

#### SECTION VI

Unless otherwise specified by the Board of Health, all cesspools, septic tank disposal fields, privies or other sewage disposal methods hereafter constructed and all wells and springs hereafter installed shall be so located that a distance of not less than one hundred (100) feet shall intervene between any well or spring and any cesspool, septic tank, disposal field or privy. The distance shall be measured from the well or spring to the nearest outer point of such cesspool, disposal field or privy. In special cases modifications to this distance requirement may be specified by the Board of Health to suit local conditions. All pipe lines used for the purpose of conveying sewage or house draining shall, constructed of cast iron pipe with leaded joints or in such other manner as to be permanently water tight. The use of clay or terra cotta pipes with cement joints will not be approved.

#### SECTION VII

In the absence of other water carriage disposal, the drainage from kitchen sinks, laundry tubs, etc. shall be disposed of in a cesspool or dry well so constructed as to meet with the approval of this Board of Health.

#### SECTION VIII

Whenever a cesspool, septic tank, privy or drain becomes offensive or obstructed, the owner, agent and (or) occupant of the premises shall cause same to be cleaned or otherwise corrected.

#### SECTION IX

where within fifty (50) feet of any well or spring be

No cesspool, septic tank, privy or other means of sewage disposal shall hereafter be constructed or installed in this town until a permit has been obtained from the Board of Health.

#### SECTION X

Temporary privies for the convenience of contractors and their employees may be erected or installed without a permit but only under the following conditions: The vault must be at least two (2) feet in depth and must be so located as to cause no annoyance to persons residing

in the vicinity. The owner, contractor or agent shall cause the contents thereof to be treated in a sanitary manner and immediately upon the completion of the contract the contractor shall remove the privy fill in the vault and leave the premises in a condition satisfactory to the Board of Health.

#### SECTION XI

All holders of permits granted by this Board of Health, under Chapter III, Section 31-A of the General Laws as amended for the removal and transport of contents of cesspools, septic tanks or privy vaults shall provide themselves with a water tight tank truck or vehicle to be used for this purpose. Dumping or final disposal of the contents of tank trucks or other vehicles shall be at such a place and in such a manner as provided by this Board of Health. This section shall not be construed as preventing the dumping of such material on the land but when such a method is practiced all material shall within twenty-four (24) hours of the time of dumping, be covered with earth or soil to a depth of at least eight (8) inches.

#### SECTION XII

##### Repeal and Date of Effect

All regulations and parts of regulations in conflict with this regulation are hereby repealed and this regulation shall be in full force and effect immediately upon its adoption and publication as provided by law (Section 31 of Chapter III, General Laws).

#### SECTION XIII

##### Unconstitutionality Clause

Should any section, paragraph, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of the said regulation shall not be affected thereby.

Adopted April 18, 1955, and amended July 22, 1971.

#### BOARD OF HEALTH

Freeman C. Hatch, III, Chairman  
Fred G. LaPiana, Jr.  
Prescott B. Cummings

